

**Notice of Allowability**

Application No.

09/377,402

Examiner

Susanna M. Diaz

Applicant(s)

AKIFUJI ET AL.

Art Unit

3623

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's after-final response filed July 19, 2004, which has been entered.
2. ☒ The allowed claim(s) is/are 1,2,4-6 and 8-20.
3. ☒ The drawings filed on 20 August 1999 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**SUSANNA M. DIAZ  
PRIMARY EXAMINER**

*A.U. 3623*

***Reasons for Allowance***

1. Claims 1, 2, 4-6, and 8-20 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is as follows:

Fuss (U.S. Patent No. 6,401,119)

"ICS Continuity V3.0 for End-to-End Service Management in Distributed IT Infrastructures"

"Cabletron's SPECTRUM Heightens Customer Control Over Enterprise Networks and Applications"

Applicant has perfected foreign priority by submitting a certified translation of the foreign patent application to which priority is claimed, thereby invalidating Fuss as a prior art reference. However, Fuss is assigned to ICS Intelligent Communication Software GmbH. This company placed business process management software called "ICS Continuity V3.0" on the market as early as April 13, 1998 (i.e., over four months prior to Applicant's earliest priority date). As outlined in both of the aforementioned articles, ICS Continuity V3.0 monitors a business process, generates alarms, identifies points of failure to an administrator, and analyzes the impact of a component failure on an IT service and business processes; however, these articles fail to expressly teach how such monitoring conditions are defined and tracked. More specifically, ICS Continuity V3.0 fails to teach or suggest the combination of steps of previously defining

Art Unit: 3623

in a definition table a start condition and a completion condition for each business process and an abnormal status change to be detected in related business processes capable of being executed concurrently with each other by said client computers, detecting an occurrence of said abnormal status change, selecting at least one user who has been already ordered to execute an interdependent business process having a start condition identical to that of the business process in which the abnormal status change was detected or to a completion condition of a business process executed concurrently with the business process in which said abnormal status change was detected, and notifying a client computer corresponding to the selected user of the occurrence of abnormality in the related business process so as to prevent the selected user from completing the interdependent business process. This combination of limitations is recited in all of claims 1, 2, 4-6, and 8-20; therefore, claims 1, 2, 4-6, and 8-20 are deemed to be allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

Art Unit: 3623

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

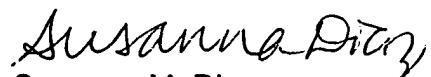
**Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**

or faxed to:

**(703)305-7687** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703)746-7048** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7<sup>th</sup> floor receptionist.

  
Susanna M. Diaz  
Primary Examiner  
Art Unit 3623  
August 2, 2004